

Subject
#610

OGC Has Reviewed

9 July 1953

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Legislative Requests for Testimony by CIA Officials

1. The right of the Executive Branch to refuse to produce witnesses or records at the request of congressional committees has never been finally resolved. Heads of agencies and the President have instructed witnesses not to testify when confidential information would be involved. This normally requires the demonstration of the confidential nature of the information.

2. CIA is in a somewhat different position. It is essential to the proper performance of its functions to establish that it cannot be required to produce information upon legislative requests. The firmest basis for refusing to produce witnesses would be for the President, who has exclusive supervision of international relations under the Constitution, to assert that his intelligence agency, which is an integral element in the international relations field, cannot be permitted to respond to investigation by congressional committees, but that upon specific requests for information by such committees the head of the agency or, on referral by him, the President will determine what information may be divulged. It could, simultaneously, be pointed out that in the past the Agency has cooperated with Congress as fully as possible in the light of the Director's statutory responsibilities and Presidential policy in furnishing information requested by the Congress.

/s/
LAWRENCE R. HOUSTON
General Counsel

OGC:LRH:jeb
cc: DD/I
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